

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

November 3, 2008

C052921 THE PEOPLE v. (Not For Publication)
JAMES LYONS HAWES

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Davis, J.

Raye, J.

C056407 THE PEOPLE v. (Not For Publication)
ROBIN JAMES MORGAN

The judgment is affirmed.

BUTZ, J.

We Concur: Davis, Acting P.J.

Raye, J.

C056679 THE PEOPLE v. (Not For Publication)
SPENCER LAMAR BORNES

The judgment is affirmed.

HULL, J.

We Concur: Sims, Acting P.J.

Raye, J.

November 4, 2008

C055887 THE PEOPLE v. (Not For Publication)
PAUL THEIEDUS WILLIAMS

The judgment is affirmed.

HULL, J.

We Concur: Blease, Acting P.J.

Butz, J.

C055242 PAYNE v. RADER et al. (Certified For Publication)

The appeals from the judgment and postjudgment order are dismissed.

Respondents shall recover their costs on appeal. ...

BUTZ, J.

We Concur: Sims, Acting P.J.

Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

November 4, 2008, Continued

**C057199 HUHTAMAKI AMERICAS, INC., et al. v. (Not For Publication)
WORKERS' COMPENSATION APPEALS
BOARD and MADHAW et al.**

The Board's decision is annulled, and the cause is remanded for further proceedings consistent with this opinion with this opinion. The parties shall bear their own costs on review. ...

SCOTLAND, P. J.

We Concur: Sims, J.
 Raye, J.

November 5, 2008

MISC. ORDER 2008-014

BY THE COURT:

Associate Justice George Nicholson is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on November 18, 2008, through and including, November 21, 2008. Associate Justice Harry Hull is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on November 26, 2008, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

**C050796 THE PEOPLE v. (Not For Publication)
SERGEY VINALYEVIC SHCHIRSKIY et al.**

The judgment as to Andrey Larshin is affirmed. As to Sergey Vinalyevic Shchirskiy, the abstract of judgment is modified to delete the victim restitution order of \$1,500. If the trial court has not already done so, it shall forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. The Shchirskiy judgment is otherwise affirmed.

SIMS, Acting P.J.

We Concur: Hull, J.
 Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

November 5, 2008, Continued

- C055706 THE PEOPLE v. (Not For Publication)**
STEPHON W. NEWMAN
The trial court judgment is affirmed.
CANTIL-SAKUYE, J.
We Concur: Morrison, Acting P.J.
Robie, J.
- C056431 THE PEOPLE v. (Not For Publication)**
ARTHUR GUITERREZ GONZALES
The judgment is reversed. The court is directed to enter a new order granting the motion to dismiss.
ROBIE, J.
We Concur: Nicholson, Acting P.J.
Butz, J.
- C057662 THE PEOPLE v. (Not For Publication)**
ALEXANDER FONDRIL HARDLEY
The judgment is affirmed.
ROBIE, J.
We Concur: Hull, Acting P.J.
Butz, J.
- C056585 COUNTY OF SACRAMENTO v. LLANES (Not For Publication)**
The order denying defendant's motion to set aside the judgment of paternity under section 7646, subdivision (a) (3) is affirmed. The County shall recover its costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (1) .)
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Cantil-Sakauye, J.
- C057314 DEMELE v. RADULOVICH (Not For Publication)**
The judgment (order) is affirmed as of August 10, 2008, *nunc pro tunc*. Mother shall recover her costs on appeal. (Cal. Rules of Court, rule 8.278 (a) .)
SIMS, Acting P.J.
We Concur: Davis, J.
Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

November 5, 2008, Continued

C058117 **In re O.C.; YOLO COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES v. TIM C.**
BY THE COURT:
Appellant's petition for rehearing is denied.
BLEASE, Acting P.J.

November 6, 2008

C057122 **THE PEOPLE v. JAMES ALLEN SCHANROCK** **(Not For Publication)**
The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting this change and deliver it to the Department of Corrections and Rehabilitation.

ROBIE, J.

We Concur: Nicholson, Acting P.J.
Morrison, J.

C058100 **THE PEOPLE v. FRANK ANDREA MORETTO** **(Not For Publication)**

The judgment is affirmed. The trial court is directed to correct the abstract of judgment and to forward a certified copy to the Department of Corrections and Rehabilitation.

ROBIE, J.

We Concur: Nicholson, Acting P.J.
Morrison, J.

C056658 **ROLAND et al. v. COVENANT CARE OF CALIFORNIA, INC.** **(Not For Publication)**

The judgment is (order denying Covenant's motion to compel arbitration) is affirmed. The Rolands shall recover their costs of appeal. (Cal. Rules of Court, rule 8.278 (a) (2) .)

BUTZ, J.

We Concur: Davis, Acting P.J.
Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

November 7, 2008

C055388 THE PEOPLE v. HERBERT CORTEZ, JR. (Not For Publication)

The trial court's ruling denying defendant's request to relieve his retained counsel is reversed and the matter is remanded to allow defendant to discharge his retained attorney. This requires a reversal of the judgment, but it does not require an automatic retrial. Once new counsel is appointed, the case shall proceed anew from the point defendant originally sought to discharge his attorney. ...

BUTZ, J.

We Concur: Blease, Acting P.J.
 Nicholson, J.

**C054639 DEPARTMENT OF CORRECTIONS AND REHABILITATION v. STATE
PERSONNEL BOARD; BROWN et al.**

BY THE COURT:

Patrick Barber's request to publish the opinion filed on October 8, 2008, is denied.

SCOTLAND, P.J.